

Litigation Search Report CRU 3999

Reexam Control No. 90/006,197

TO: Andres Kasknikow
Location: CRU
Art Unit: 3993
Date: 04/04/06

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Case Serial Number: 90/006,197 Patricia.volpe@uspto.gov

Search Notes

U.S. Patent No- 4,949,257

- 1) I performed a KeyCite Search in Westlaw, which retrieves all history on the patent including any litigation.
- 2) I performed a search on the patent in Lexis CourtLink for any open dockets or closed cases.
- 3) I performed a search in Lexis in the Federal Courts and Administrative Materials databases for any cases found.
- 4) I performed a search in Lexis in the IP Journal and Periodicals database for any articles on the patent.
- 5) I performed a search in Lexis in the news databases for any articles about the patent or any articles about litigation on this patent.



Date of Printing: APR 05,2006

KEYCITE

CUS PAT 4949257 AUTOMATED MERCHANDISING SYSTEM FOR COMPUTER SOFTWARE, (Aug 14, 1990)

History

- => 1 **AUTOMATED MERCHANDISING SYSTEM FOR COMPUTER SOFTWARE, US PAT 4949257, 1990 WL 873877 (U.S. PTO Utility Aug 14, 1990) (NO. 433395)**

Assignments

- 2 **ASSIGNEE(S): SOFTMAT LLC 1800 CENTURY PARK EAST, SUITE 600 LOS ANGELES CALIFORNIA 90067, DATE RECORDED: Jul 20, 2000**

Patent Status Files

- . Delayed Payment of Maintenance Fees, (OG date: Mar 30, 2004)
- . Expiration of Patent due to Failure to Pay Required Maintenance Fees, (OG date: Oct 08, 2002)
- . Request for Re-Examination, (OG date: Mar 19, 2002)
- . Patent Suit(See LitAlert Entries),
- . Patent Suit(See LitAlert Entries), (OG date: 2000)

Litigation Alert

- 8 LitAlert P2000-33-32, (Jul 07, 2000) Action Taken: A complaint was filed.
- 9 LitAlert P2001-01-42, (Jul 07, 2000) Action Taken: Case settled but may be reopened if settlement is not consummated within 30 days.

Prior Art

- C** 10 **US PAT 4597058 CARTRIDGE PROGRAMMING SYSTEM, Assignee: Romox, Inc., (U.S. PTO Utility 1986)**
- C** 11 **US PAT 4672554 SOFTWARE VENDING INSTRUMENT, Assignee: Brother Kogyo Kabushiki Kaisha, (U.S. PTO Utility 1987)**
- C** 12 **US PAT 4654799 SOFTWARE VENDING SYSTEM, Assignee: Brother Kogyo Kabushiki Kaisha, (U.S. PTO Utility 1987)**
- C** 13 **US PAT 4593376 SYSTEM FOR VENDING PROGRAM CARTRIDGES WHICH HAVE CIRCUITRY FOR INHIBITING PROGRAM USAGE AFTER PRESET TIME INTERVAL EXPIRES, (U.S. PTO Utility 1986)**

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US District Court Civil Docket**U.S. District - California Central
(Western Division)****2:00cv7400****Softmat Llc v. Beyond.Com Corp****This case was retrieved from the court on Wednesday, February 26, 2003**

Date Filed: 07/07/2000	Class Code: TERMED (CTx)
Assigned To: Judge Stephen V Wilson	Closed: yes
Referred To: Discovery Carolyn Turchin	Statute: 15:1126
Nature of suit: Patent (830)	Jury Demand: Plaintiff
Cause: Patent Infringement	Demand Amount: \$0
Lead Docket: None	NOS Description: Patent
Other Docket: None	
Jurisdiction: Federal Question	

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650-813-5600

Date	#	Proceeding Text
07/07/2000	1	COMPLAINT filed Summons(es) issued referred to Discovery Carolyn Turchin (jag) [Entry date 07/11/00]
07/07/2000	2	Certification OF INTERESTED PARTIES filed by plaintiff Softmat LLC (tw) [Entry date 07/12/00]
07/07/2000	--	REPORT ON THE FILING OF AN ACTION REGARDING patent (cc: form mailed to Washington, D.C.) (Opening) (tw) [Entry date 07/17/00]
07/12/2000	3	ORDER by Judge Stephen V. Wilson. This case has been assigned to the cal of Judge Stephen V. Wilson. (tw) [Entry date 07/13/00]
07/21/2000	4	STIPULATION filed to extend time to answer complaint [1-1] to 8/30/00 as to defendant Beyond.com Corp (tw) [Entry date 07/24/00]
07/25/2000	5	PROOF OF SERVICE executed upon defendant Beyond.com Corporation on 7/11/00 by personally delivering S/C to Richard Scudellari, Auth Agent (see doc for fur details) (mch) [Entry date 07/26/00]
08/30/2000	6	NOTICE OF INTERESTED PARTIES filed by defendant Beyond.com Corp (ir) [Entry date 08/31/00]
08/30/2000	7	ANSWER filed by defendant Beyond.com Corp to complaint [1-1] (ir) [Entry date 08/31/00]
08/31/2000	8	ORDER by Judge Stephen V. Wilson mandatory status conference set on 3:00 10/16/00 (see doc for details) (bp) [Entry date 09/01/00]
10/10/2000	9	Stipulated PROTECTIVE ORDER by Magistrate Judge Stephen J. Hillman (tw) [Entry date 10/12/00]
10/16/2000	11	MINUTES: mandatory status conference held the crt sets the following dates: pretrial conference 1/8/01, at 4:00 p.m., and jury trial on 1/16/01, at 9:00 a.m. by Judge Stephen V. Wilson CR: N/A (bp) [Entry date 10/25/00]
10/19/2000	10	ORDER RE: CIVIL TRIAL PREPARATION by Judge Stephen V. Wilson pretrial conference on 4:00 1/8/01; jury trial set on 9:00 1/16/01 (see doc for fur details) (mch) [Entry date 10/20/00]
11/14/2000	12	NOTICE AND REQUEST Of Settlement Procedure Selection fild Parties request to apr bef a randomly selected judicial officer frm the Civil Settlement Panel for sttlmnt procdgs Order by Judge Stephen V. Wilson granting settlement procedure selection request [12-1] (tw) [Entry date 11/15/00]
11/27/2000	13	REQUEST FOR ASSIGNMENT OF SETTLEMENT JUDGE - pursuant to Local Rule 23.5.4, case assigned to Judge Dickran Tevrizian for settlement conference. (cc: all counsel) (rn) [Entry date 11/27/00]
12/04/2000	14	MINUTES: SETTLEMENT CONFERENCE SCHEDULING: This mtr has been assigned to Judge Dickran Tevrizian for a sttlmnt conf. Plf's cnsl is directed to contact Judge Tevrizian's secretary, Collis Culbertson, @ 213-894-4047 to sched a sttlmnt conf. by Judge Dickran Tevrizian CR: N/P (mch) [Entry date 12/04/00]
12/12/2000	16	MINUTES: SETTLEMENT CONFERENCE (In chambers) Case settles. Time spent on settlement was 4 hours. by Judge Dickran Tevrizian CR: N/P (mch) [Entry date 12/14/00]
12/14/2000	15	MINUTES: Case settled but may be reop if sttlmnt is not consummated w/i 30 dys. terminating case

(MD JS-6) by Judge Stephen V. Wilson CR: n/a (ENT 12/14/00), mld ntcs. (tw) [Entry date 12/14/00]

12/14/2000 -- REPORT ON THE DETERMINATION OF AN ACTION REGARDING patents (cc: form mailed to Washington, D.C.)(Closing) (tw) [Entry date 12/14/00]

01/17/2001 17 STIPULATION and ORDER by Judge Stephen V. Wilson extending time to consummate the sttlmnt by 2 weeks. In light of this stip, the Crt orders that this case may be reopened on req of either pty if sttlmnt is not consummated by 1/30/01. (mch) [Entry date 01/18/01]

01/17/2001 18 DECLARATION of Gary N Frischling by plaintiff Softmat LLC re order extending time to consummate the sttlmnt by 2 weeks [17-1], re stipulation order [17-2] (mch) [Entry date 01/18/01]

01/26/2001 20 REQUEST by defendant Beyond.com Corp TO RECONVENE Settlement Conference Before Judge Tevrizian; Lodged Prospd Order (mch) [Entry date 01/30/01]

01/29/2001 19 ORDER by Judge Stephen V. Wilson. The Crt orders that the Settlement Conf purs to LR 23.5.4 shall be reconvened bef Judge Dickran Tevrizian. Plf's cnsl is directed to contact Judge Tevrizian's secretary, Collis Culbertson to sched a date & time at which the Settlement Conf will reconvene. (mch) [Entry date 01/30/01]

01/30/2001 21 RE-NOTICE OF MOTION by plaintiff Softmat LLC to enforce oral stlmt agreement ; motion hearing set for 1:30 2/26/01 (el) [Entry date 01/31/01]

01/30/2001 22 NOTICE RE DOCUMENT WITHHELD FROM CASE FILE by plaintiff Softmat LLC (mch) [Entry date 02/01/01]

02/02/2001 23 REQUEST by plaintiff Softmat LLC to defer sttlmnt conf pending ruling on motion to enforce oral sttlmnt agreement (mch) [Entry date 02/05/01]

02/05/2001 24 EX PARTE APPLICATION filed by defendant Beyond.com Corp to continue the hrg date of Sofmat LLC's motion to enforce oral settlement agreement; Lodged Order (mch) [Entry date 02/06/01]

02/05/2001 25 DECLARATION of Eric Shih by defendant Beyond.com Corp in suppt of exparte appl to continue the hrg date of Sofmat LLC's motion to enforce oral settlement agreement [24-1] (mch) [Entry date 02/06/01]

02/15/2001 26 ORDER by Judge Stephen V. Wilson if ncessary, the hrg date of Sofmat LLC's motion to enforce oral settlement agreement [24-1] [21-1] shl be cont to 1st civil mot date at least 21 days following conclusion of reonvened settmt conf bf Judge Tevrizian (1:30 4/23/01); Beyond.com opp papes be srv and fld at least 14 days bf new hrg date & Softmat rply appers may be srv & fld nlt 7 cal days bf new hrg date (ENT 2/16/01) send/ntcs (lc) [Entry date 02/16/01]

04/03/2001 27 MINUTES: (IN CHAMBERS) SETTLEMENT CONFERENCE: Case settles; Time spent on settlement was 4 hours by Judge Dickran Tevrizian CR: N/P (mch) [Entry date 04/05/01]

04/05/2001 28 NOTICE OF WITHDRAWAL by plaintiff Softmat LLC withdrawing motion to enforce oral stlmt agreement [21-1] (mch) [Entry date 04/09/01]

05/03/2001 -- LODGED/PROPOSED final jgm by consent ORDER submitted .(FWD TO CRD) (tw) [Entry date 05/04/01]

05/04/2001 29 Final CONSENT JUDGMENT by Judge Stephen V. Wilson. This actn is disp with prej, ea pty to bear its own costs & attys fees. (tw) [Entry date 05/07/01]

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433395 (07) 4949257 August 14, 1990

UNITED STATES PATENT AND TRADEMARK OFFICE GRANTED PATENT

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August 14, 1990

Automated merchandising system for computer software

REEXAM-LITIGATE:

NOTICE OF LITIGATION

NOTICE OF LITIGATION Softmat, LLC v. Beyond.com Corp., Filed Jul. 7, 2000, D.C. C.D. California, Doc. No. 00-07400SVW (CTx)

NOTICE OF LITIGATION

NOTICE OF LITIGATION Reexamination requested Jan. 17, 2002 by owners, Reexamination No. 90/006,197 (O.G. Mar. 19, 2002) Ex. Gp.: 2167

APPL-NO: 433395 (07)

FILED-DATE: November 7, 1989

GRANTED-DATE: August 14, 1990

ASSIGNEE-AFTER-ISSUE: July 20, 2000 - ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS)., SOFTMAT LLC 1800 CENTURY PARK EAST, SUITE 600 LOS ANGELES CALIFORNIA 90067, Reel and Frame Number: 10984/0536

CORE TERMS: software, customer, identification, diskette, memory, merchandising, manual, interface, computer, terminal ...


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Syntax	Definition
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or	or
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not w/N	not within N words
pre /N	precedes by N
w/p	in same paragraph
not w/p	not in same paragraph
w/seg	in same segment
not w/seg	not in same segment
w/s	in same sentence
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Syntax	Definition
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not w/N	not within N words
pre /N	precedes by N
w/p	in same paragraph
not w/p	not in same paragraph
w/seg	in same segment
not w/seg	not in same segment
w/s	in same sentence
not w/s	not in same sentence
and not	and not
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- ☐ 1. [Intellectual Property Today](#), February, 2001, RFC EXPRESS TM; Recently Decided Patent Cases; Pg. 31, 623 words
... BEYOND.COM CORP. **4,949,257**-705/21 99- ...
- ☐ 2. [Canadian Press Newswire](#), September 28, 2000, S 28'00, 4949257, 234 words, Ford issues letters to truck owners informing them of recall on Firestone tires

Source: [Command Searching > News, All \(English, Full Text\)](#) 

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